

ESTTA Tracking number: **ESTTA588446**

Filing date: **02/20/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Brandit Marketing Solutions, Ltd.		
Entity	Corporation	Citizenship	New Hampshire
Address	110 Stark Street Manchester, NH 03101 UNITED STATES		

Attorney information	Donald Crandlemire Shaheen & Gordon, P.A. 107 Storrs Street Concord, NH 03301 UNITED STATES dcrandlemire@shaheengordon.com, ccartersmith@shaheengordon.com, mdescoteaux@shaheengordon.com Phone:(603) 225-7262
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### Applicant Information

Application No	86053785	Publication date	01/21/2014
Opposition Filing Date	02/20/2014	Opposition Period Ends	02/20/2014
Applicant	Brandito, LLC 11551 Nuckols Road, Suite K Glen Allen, VA 23059 HOLY SEE (VATICAN CITY STATE)		

### Goods/Services Affected by Opposition

Class 035. First Use: 2011/05/31 First Use In Commerce: 2011/09/12  
All goods and services in the class are opposed, namely: Retail store and distributorship services in the field of a wide variety of branded memorabilia and collectibles displaying the logos of others; Branding services, namely, development, management and marketing of brands for businesses, and consulting related thereto; Marketing and branding services, namely, providing customized communication programs to obtain brand recognition

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		

Design Mark	
Goods/Services	Customized imprinting of company names and logos on the goods of others, namely, on promotional merchandise, apparel and corporate gifts for the purpose of advertising and brand recognition

Attachments	logo-raised-950-sqr.jpg BRANDITO opposition.final.pdf(134408 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/donaldcrandlemire/
Name	Donald Crandlemire
Date	02/20/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application No. 86/053,785  
Filed: September 3, 2013  
Applicant: Brandito, LLC  
Mark: BRANDITO  
Class: 35  
Published in the *Official Gazette* of January 21, 2014

Brandit Marketing Solutions, Ltd.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. _____
	:	
Brandito, LLC,	:	
	:	
Applicant.	:	

**NOTICE OF OPPOSITION**

Brandit Marketing Solutions, Ltd. (“Opposer”), a New Hampshire corporation with its principal address at 110 Stark St., Manchester, NH 03101, believes that it will be damaged by registration of the mark BRANDITO shown in Application No. 86/053,785 and hereby opposes same.

The grounds for the opposition are as follows:

- 1) Application Serial No. 86/053,785 (hereinafter the “opposed application”) seeks registration of the mark BRANDITO for the following services:

Retail store and distributorship services in the field of a wide variety of branded memorabilia and collectibles displaying the logos of others; Branding services, namely, development, management and marketing of brands for businesses, and consulting related thereto; Marketing and branding services, namely, providing customized communication programs to obtain brand recognition, in Class 35

- 2) The opposed application was filed on September 3, 2013, based on Applicant's claimed date of first use anywhere of May 31, 2011 and claimed date of first use in commerce of September 12, 2011.
- 3) Opposer, Brandit Marketing Solutions, Ltd. is a marketing company specializing in optimizing companies' brands and their visibility to target audiences.
- 4) Prior to the September 13, 2013 filing date opposed application, as well as the May 31, 2011 first use anywhere date and September 12, 2011 first use in commerce date of the BRANDITO mark, Opposer adopted, used and is still using in interstate commerce the trademarks BRANDIT, as well as BRANDIT MARKETING SOLUTIONS LTD. & Design (shown below) for services including customized imprinting of company names and logos on the goods of others, namely, on promotional merchandise, apparel and corporate gifts for the purpose of advertising and brand recognition.



- 5) By virtue of the prior, continuous advertising and provision of Opposer's services in interstate commerce, purchasers and users of such services and others have come to recognize the marks BRANDIT and BRANDIT MARKETING SOLUTIONS LTD. & Design as a singular indication of origin, as a consequence of which Opposer has established valuable goodwill and exclusive rights in these marks.
- 6) Opposer relies on its prior common law trademark rights in the marks BRANDIT and BRANDIT MARKETING SOLUTIONS LTD. & Design in its opposition to the opposed application.

- 7) The services provided by Opposer and the services described in the opposed application are the same and/or commercially related and are likely provided to the same or overlapping classes of purchasers. Therefore, purchasers, prospective purchasers and others are likely to be confused, mistaken or deceived into the belief, contrary to fact, that Applicant's services covered by the mark BRANDITO emanate from and/or in some way sponsored by or approved by Opposer and/or that Applicant is somehow affiliated with Opposer, thereby damaging Opposer.
- 8) Applicant is not lawfully entitled to the registration it seeks for the reason, *inter alia*, that Applicant's mark BRANDITO, as used in connection with the services described in the opposed application, so resembles the marks BRANDIT and BRANDIT MARKETING SOLUTIONS LTD. & Design as to be likely to cause confusion, to cause mistake or to deceive within the meaning of § 2(d) of the Federal trademark Act, thereby damaging Opposer.

WHEREFORE, Opposer believes that the present opposition should be sustained and the registration of Applicant's mark refused.

The requisite filing fee for this Notice of Opposition is submitted herewith.

Date: February 20, 2014

BRANDIT MARKETING SOLUTIONS, LTD.

By: 

Donald Crandlemire  
Caroline C. Smith  
Attorneys for Opposer  
Shaheen & Gordon, P.A.  
107 Storrs Street  
Concord, NH 03301  
603.225.7262

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of February, 2014, the foregoing Notice of Opposition was served upon Applicant's attorney by first class mail, postage prepaid to:

Kris R. Keeney  
Kris R. Keeney PC dba Digitalaw  
5380 Twin Hickory Road  
Glen Allen, Virginia 23059-5682

A handwritten signature in black ink, appearing to read 'D.C.', is written over a horizontal line.

Donald C. Crandlemire